


DEPARTMENT OF PERSONNEL & ADMINISTRATION 	HIPAA Policy No.	1
	Current Effective Date	May 1, 2006
	Original Effective Date	May 1, 2006
HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT	Approved by: Jeffrey C. Schutt	
DOCUMENTATION OF DESIGNATION OF DPA AS A HYBRID ENTITY	Date: 4/25/06	

I. Purpose

To document DPA's designation as a hybrid entity.

II. Policy

It is the policy of the Colorado Department of Personnel and Administration ("DPA" or the "Department") to comply with the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d *et seq.*) and its implementing regulations (45 CFR Parts 160, 162, and 164) ("HIPAA") to the extent HIPAA is applicable to the Department.

Since DPA's business activities include both HIPAA covered and non-covered functions, DPA qualifies as a "hybrid entity" under HIPAA, as that term is defined in 45 CFR 164.103¹. This determination was made by DPA's HIPAA Compliance Officer in consultation with the Colorado Department of Law, Office of the Attorney General, which serves as legal counsel to the Department. It was based upon their analyses of the law and regulations as they relate to the functions performed by DPA employees.

The Colorado Department of Personnel and Administration hereby designates itself a hybrid entity, and lists below its health care components. These designations are made in accordance with 45 CFR 164.105(a)(2)(iii)(C)².

- **Executive Director of the Department of Personnel and Administration** limited to administering and managing the state employees group benefit plans, as authorized by §24-50-604, CRS.
 - Executive Assistant reporting directly to the Executive Director, limited to the support functions associated with the Executive Director's management of the state employees group benefit plans.
- **Deputy Executive Director of the Department of Personnel and Administration** limited to administering and managing the state employees group benefit plans, as delegated by the Executive Director of DPA.

¹ *Hybrid entity* means a single legal entity: (1) That is a covered entity; (2) Whose business activities include both covered and non-covered functions; and (3) That designates health care components in accordance with 45 CFR 164.105(a)(2)(iii)(C).

² The covered entity is responsible for designating the components that are part of one or more health care components of the covered entity and documenting the designation in accordance with paragraph (c) of this section, provided that, if the covered entity designates a health care component or components, it must include any component that would meet the definition of covered entity if it were a separate legal entity. Health care component(s) also may include a component only to the extent that it performs: (1) Covered functions; or (2) Activities that would make such component a business associate of a component that performs covered functions if the two components were separate legal entities.

- **Director of the Division of Human Resources** limited to administering and managing the state employees group benefit plans, as delegated by the Executive Director of DPA.
 - Executive Assistant reporting directly to the Director, limited to the support functions associated with the Director's management of the state employees group benefit plans.
- **Deputy Director of the Division of Human Resources** limited to administering and managing the state employees group benefit plans, as delegated by the Executive Director of DPA or the Director of DHR.
- **Total Compensation Manager** restricted to those functions and activities performed on behalf of the State of Colorado's group health plans, including but not limited to the plans offering medical, dental, and vision benefits (if applicable), and the healthcare flexible spending account.
- **Employee Benefits Unit (EBU)** restricted to those functions and activities performed on behalf of the State of Colorado's group health plans, including but not limited to the plans offering medical, dental, and vision benefits (if applicable), and the healthcare flexible spending account.
- **Colorado State Employee Assistance Program (CSEAP)** restricted to the operations of CSEAP, including use of the CSEAP tracking application.
- **DHR's Total Compensation Strategist** restricted to those functions and activities performed on behalf of the State of Colorado's group health plans, including but not limited to the plans offering medical, dental, and vision benefits (if applicable), and the healthcare flexible spending account.
- **DHR's Total Compensation Statistical Analyst** restricted to those functions and activities performed on behalf of the State of Colorado's group health plans, including but not limited to the plans offering medical, dental, and vision benefits (if applicable), and the healthcare flexible spending account.
- **DPA's HIPAA Compliance Officer** limited to ensuring and enforcing compliance with HIPAA regulations.
- **DPA's Chief Information Officer (CIO)** limited to performing services for or related to EBU and CSEAP.
- **Information Technology Unit (ITU)** limited to the services it performs for or related to EBU and CSEAP that would make ITU a business associate if it were a separate legal entity.
- **Technology Management Unit (TMU)** limited to the services it performs for or related to EBU and CSEAP that would make TMU a business associate if it were a separate legal entity.
- **Information Security Operations Center (ISOC)** limited to the services it performs for or related to EBU and CSEAP that would make ISOC a business associate if it were a separate legal entity.
- **Server Team** limited to the services it performs for or related to EBU and CSEAP that would make the Server Team a business associate if it were a separate legal entity.

These designations are subject to change, and additional designations may be made, based upon business operations. All changes and additions must be in writing and approved by DPA's HIPAA Compliance Officer.

Other units may voluntarily choose to comply with some or all HIPAA requirements, policies, or procedures. Such voluntary compliance shall not affect the unit's status as a non-covered component.

III. Procedures

None

IV. Definitions/Abbreviations

None

V. Revision History

<u>Date</u>	<u>Description</u>
May 1, 2006	Original document

VI. References/Citations

General Provisions

45 CFR 164.103

Definitions

45 CFR 164.105(a)(2)(iii)

Organizational Responsibilities